

Decision 04-04-057 April 22, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Great American Stageline, Inc. to sell and transfer ownership of operating authority (PSC-962) to Santa Barbara Airbus, Inc.

Application 03-12-019
(Filed December 8, 2003)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Great American Stageline, Inc. (Transferror), a corporation, to Santa Barbara Airbus, Inc. (Transferee), a corporation.

Discussion

Transferror holds a certificate of public convenience and necessity to operate as a PSC (PSC-962). The certificate was last revised by Decision (D.) 88-01-057. It authorizes the transportation of passengers, baggage, and express on a scheduled and on-call basis between Santa Barbara, Carpinteria, various cities in Ventura County, and communities in the San Fernando Valley (City of Los Angeles), on the one hand, and Los Angeles International (LAX) and Burbank-Glendale-Pasadena (BUR) Airports, on the other hand. The certificate has been voluntarily suspended since February 21, 2002, as authorized by the Commission in Resolution TL-18990.

Transferee is authorized to operate as a scheduled and on-call PSC (PSC-1262) within Santa Barbara and San Luis Obispo Counties, and to LAX. The certificate was last revised by D.88-08-026.

The application requests approval to transfer the PSC certificate of Transferor to Transferee. The purchase price is \$5,000, as provided in the Business Sale Agreement attached to the application as Exhibit B.

Transferee states it has the operating experience and financial ability to operate Transferor's routes. It will use vehicles from its current fleet of 22 units and will acquire additional equipment as needed. Transferee will adopt Transferor's Local Passenger Tariff No. 18, on file with the Commission. Exhibit C of the application is Transferee's unaudited balance sheet as of September 30, 2003, that discloses assets of \$1,533,000, liabilities of \$460,000, and equity of \$1,073,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 16, 2003. In Resolution ALJ 176-3125 dated December 18, 2003, the Commission preliminarily categorized the application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3125.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is authorized to operate as a scheduled and on-call PSC pursuant to a certificate (PSC-962) that was last revised by D.88-01-057.

2. Transferee is authorized to operate as a scheduled and on-call PSC pursuant to a certificate (PSC-1262) that was last revised by D.88-08-026.
3. Transferor requests approval to transfer its PSC certificate to Transferee.
4. Transferee has the experience and financial ability to assume operation of Transferor's PSC business.
5. The proposed transfer will not be adverse to the public interest.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Great American Stageline, Inc. (Transferor), a corporation, may transfer the operative rights specified in this application to Santa Barbara Airbus, Inc. (Transferee), a corporation, subject to the conditions contained in the following paragraphs.
2. Upon completion of the transfer, Appendix PSC-1262 of Decision 88-08-026 is amended by incorporating the attached Revised Title Page, Revised Pages

1-3, and Original Pages 5-9. (Original Page 4 of Appendix PSC-1262 is unchanged.)

3. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective and adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

4. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 3 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

5. The CPCN granted to Transferor, last revised by Decision 88-01-057, is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 4.

6. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

7. The amended CPCN to operate as PSC-1262, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated April 22, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-1262

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Santa Barbara Airbus, Inc. and Great American Stageline, Inc.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Santa Barbara Airbus, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers, baggage, and express on a scheduled and on-call basis between points in San Luis Obispo, Santa Barbara, Ventura, and Los Angeles Counties, and Los Angeles International Airport (LAX), Burbank-Glendale-Pasadena Airport (BUR), Santa Barbara Municipal Airport (SBA), and San Luis Obispo Airport (SLO), as provided in the routes described in Section 2, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- B. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- C. Only passengers originating at or destined to LAX, SBA or SLO shall be transported on Routes 1 through 5.
- D. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.
- E. The tariffs and timetables shall specify the location of each scheduled stop.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS. (Continued)

- F. The transportation of express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.
- G. The authorized routes may be combined to make through trips for operational purposes, provided passenger service is not delayed and trip length is not unduly increased.
- H. Regular route service shall be provided daily.
- I. Service on any route may be provided on an "on-call" basis, unless otherwise specified.
- J. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which the authorized on-call service will be rendered, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- K. The carrier shall not use bus stop locations assigned to the Metropolitan Transportation Authority (MTA) at Burbank-Glendale-Pasadena Airport nor any MTA bus stop in the San Fernando Valley, except at 21108 Ventura Boulevard, Woodland Hills.
- L. Door-to-door, on-call service authorized on Route 13 shall be provided in vehicles with a maximum seating capacity of 16 passengers.

SECTION 2. ROUTE DESCRIPTIONS (Continued).

Route 6. Santa Barbara, Carpinteria, Newbury Park, Agoura Hills, Tarzana, Encino, and Sherman Oaks – LAX

Commencing in the City of Santa Barbara, then via Highway 101 (Ventura Freeway) to Carpinteria, Newbury Park, Agoura Hills, Tarzana, Encino, and Sherman Oaks, and then via the most appropriate streets, highways, and freeways to LAX.

Route 7. Ventura, Oxnard, Camarillo, Thousand Oaks, Westlake Village, and Woodland Hills – LAX.

Commencing in the City of Ventura, then via Highway 101 (Ventura Freeway) to Oxnard, Camarillo, Thousand Oaks, Westlake Village, and Woodland Hills, and then via the most appropriate streets, highways, and freeways to LAX.

Route 8. Moorpark, Simi Valley, Santa Susana, Chatsworth, and Canoga Park, Woodland Hills - LAX.

Commencing in the City of Moorpark, then via Highway 118 (Simi Valley – San Fernando Valley Freeway) to Simi Valley and Santa Susana, then via State Route 27 (Topanga Canyon Boulevard) to Chatsworth, Canoga Park, and Woodland Hills, then joining Highway 101 (Ventura Freeway), and then via the most appropriate streets, highways, and freeways to LAX.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 9. (Alternate to Route 8) Moorpark, Simi Valley, Santa Susana, Chatsworth – LAX.

Commencing in the City of Moorpark, then via Highway 118 (Simi Valley-San Fernando Valley Freeway) to Simi Valley, Santa Susana, and Chatsworth, then to the intersection of Highway 118 and Highway 405 (San Diego Freeway), and then via the most appropriate streets, highways, and freeways to LAX.

Route 10. Santa Barbara, Carpinteria, Ventura, Oxnard, Camarillo, Newbury Park, Thousand Oaks, Westlake Village, Agoura Hills, Woodland Hills, Tarzana, Encino, and Sherman Oaks – BUR.

Commencing in the City of Santa Barbara, and then via the most appropriate streets to Highway 101 (Ventura Freeway), then via Highway 101 to Carpinteria, Ventura, Oxnard, Camarillo, Newbury Park, Thousand Oaks, Westlake Village, Agoura Hills, Woodland Hills, Tarzana, Encino, and Sherman Oaks, and then via the most appropriate streets, highways, and freeways to BUR.

Route 11. Moorpark, Simi Valley, Santa Susana, Chatsworth, Canoga Park, and Woodland Hills - BUR.

Commencing in the City of Moorpark, then via Highway 118 (Simi Valley – San Fernando Valley Freeway) to Simi Valley and Santa Susana, then via State Route 27 (Topanga Canyon Boulevard) to Chatsworth, Canoga Park, and Woodland Hills, then joining Highway 101 (Ventura Freeway), and then via the most appropriate streets, highways, and freeways to BUR.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 12. (Alternate to Route 11) Moorpark, Simi Valley, Santa Susana, Chatsworth – BUR.

Commencing in the City of Moorpark, then via Highway 118 (Simi Valley – San Fernando Valley Freeway) to Simi Valley, Santa Susana, and Chatsworth, then to the intersection of Highway 118 and Highway 405 (San Diego Freeway), then via Highway 405 to the intersection of Highway 101 (Ventura Freeway), then joining the Ventura Freeway, and then via the most direct and appropriate streets, highways, and freeways to BUR.

Route 13. LAX/BUR Door-to-Door, On-Call service.

Between LAX or BUR, on the one hand, and the Cities of Agoura Hills, Camarillo, Carpinteria, Moorpark, Oxnard, Santa Barbara, Simi Valley, Thousand Oaks, and Ventura, and the Communities described in Section 3 (Service Areas), on the other hand.

SECTION 3. SERVICE AREAS.

Canoga Park Service Area

The Canoga Park service area shall include all the territory in the City of Los Angeles bounded on the north by Nordhoff Street and the prolongation thereof; on the east by Corbin Avenue; on the south by Victory Boulevard; and on the west by the Ventura County Line.

Chatsworth Service Area

The Chatsworth service area shall include all the territory in the City of Los Angeles bounded on the north by the Simi Valley-San Fernando Valley Freeway (I-118); on the east by Melvin Avenue and the prolongation thereof; on the south by Nordhoff Street and the prolongation thereof; and on the west by the Ventura County line.

Santa Susana Service Area

The Santa Susana service area shall include all the territory adjacent to the City of Simi Valley, Ventura County, which is bounded on the north by the Union Pacific Railroad tracks; on the east by the Los Angeles County line and the prolongation thereof; on the south by Ash Street and the prolongation thereof, and on the west by Stearns Street and the prolongation thereof.

Westlake Village Service Area

The Westlake Village service area shall include the City of Westlake Village, Los Angeles County, and all the territory in the City of Thousand Oaks, Ventura County, lying within one-mile on either side of Westlake Boulevard.

SECTION 3. SERVICE AREAS. (Continued)

Woodland Hills Service Area

The Woodland Hills service area shall include all the territory in the City of Los Angeles bounded on the north by Victory Boulevard; on the east by Corbin Avenue and the prolongation thereof; on the south by Mulholland Drive; and on the west by the Los Angeles city limits.

Tarzana, Encino, Sherman Oaks Service Area

The Tarzana, Encino, Sherman Oaks service area shall include all territory bounded on the north by Victory Boulevard; on the east by Coldwater Canyon Avenue; on the south by Mulholland Drive; and on the west by Corbin Avenue and the prolongation thereof.

Newbury Park Service Area

The Newbury Park service area shall include the portion of the City of Thousand Oaks west of Ventu Park Road.